



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Ingersoll-Rand Company
File: B-225346; B-225348; B-225349
Date: March 6, 1987

DIGEST

Protests raising the same issues as those resolved in a recent decision on protests by the same protester and involving the same agency and awardee are dismissed because no useful purpose would be served by further consideration of the protester's complaint.

DECISION

Ingersoll-Rand (Rand) protests three contract awards to Compressor Engineering Corporation (CECO) by the Defense Logistics Agency (DLA) under request for quotations (RFQ) Nos. DLA700-86-O-EA64, DLA700-86-O-E843 and DLA700-86-O-E744. Each of these RFQs requested prices to provide parts for use in oil free compressors for which Rand was the original manufacturer. Rand contends that it was treated unfairly by DLA in these procurements, because CECO's products were subjected to qualification acceptance tests that were different from and less stringent than those required of Rand in previous procurements for the same items.

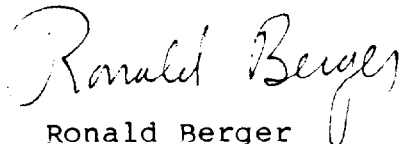
We dismiss these protests.

The issues raised by Rand in these protests are virtually identical to those considered and denied in our decision in Ingersoll-Rand Co., B-224706 et al., Dec. 22, 1986, 86-2 CPD ¶ 701. In that decision, we rejected Rand's contention that the 2,000-hour acceptance tests that it was required to conduct at its own expense in earlier procurements should have been required of all other offerors on the two solicitations in question, because no such testing requirements had been included in the solicitations and because proposals must be evaluated only on the basis of factors specified in the solicitations. (Likewise, we note that there are also no testing requirements in the three RFQs that Rand is now protesting.) For the same reason, we rejected Rand's

argument that DLA should have added the agency's costs of testing the products to CECO's prices. In addition, we pointed out that a protester's presumable interest as the beneficiary of a more restrictive specification is not protected under our bid protest function.

In another recent decision, Ingersoll-Rand Co., B-225052, Jan. 27, 1987, 87-1 CPD ¶ _____, we dismissed Rand's protest because the issues it raised were identical to those resolved in the December 22, 1987, decision (cited above) and the awardee and contracting agency were also the same. We determined that no useful purpose would be served by our further consideration of those issues. It is clear from Rand's present protests and its comments on DLA's report on these protests that the issues raised are again the same as those resolved by our Office in the December 22, 1986, decision, and Rand has presented no new arguments or evidence in support of its allegations. Again, we see no useful purpose to be served by our further consideration of them.

The protests are dismissed.


Ronald Berger
Deputy Associate
General Counsel